

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
WACO DIVISION

FILED

NOV 18 2019

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY 
DEPUTY CLERK

JOAQUIN ALVAREZ #1542223

V.

CHIMDI A. AKWITTI

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W-19-CA-623-ADA

ORDER

Before the Court is Plaintiff's Complaint in which he asserts Defendant failed to protect him from physical violence. Under the notice pleading requirement for a federal lawsuit, Plaintiff is required to state what acts Defendant did to cause him damage. As currently written, Plaintiff's Complaint lacks sufficient facts and is inadequate as a result. Without additional details, Plaintiff's Complaint may be dismissed for failure to state a claim upon which relief may be granted. *See* 28 U.S.C. § 1915(e)(2)(B)(ii); *Brown v. Taylor*, 829 F.3d 365, 370 (5th Cir. 2016).

It is, therefore, **ORDERED** that Plaintiff shall file a more definite statement in which he answers the following questions **on or before November 21, 2019**. *See* Fed. R. Civ. P. 12(e); *Parker v. Carpenter*, 978 F.2d 190, 191 (5th Cir. 1992); *Spears v. McCotter*, 766 F.2d 179, 180-81 (5th Cir. 1985). A failure to do so will cause this Court to dismiss Plaintiff's complaint for want of prosecution.

The questions the plaintiff is **ORDERED** to answer are as follows:

1. In your complaint, you have named Chimdi A. Akwitti as a defendant. State exactly what it is that this defendant personally either did or failed to do while acting under color of state law that you believe violated your constitutional rights, and when. Specifically state each and every injury, harm, damage or other adverse consequence which you suffered as a result of the acts or omissions of this defendant. Be specific.

On August 11, 2017 T.D.C.J. Hughes Facility Assistant Warden Chimdi A. Akwitti acting as chairman for the prison's Classification Committee voted to deny me a transfer to prevent harm to my physical safety.

During my protection interview Mr. Akwitti received my detailed report of death threats, sexual harassment and sexual extortion also other documents in support included hand written letters in the hand writing of the alleged sexual/aggressor predator.

Further more I told him how because of security lapses he was able to access my cell at 1:00 a.m. and 2:00 a.m in the morning/night while I slept unsupervised. Again in support I gave him names of witnesses that could verify my immediate danger.

Mr. Akwitti surmised my protection request with a personal and bitter tone, and demeanor by telling me that I was attempting to manipulate the committee also that I was nothing but a 'snitch'! therefore closing my case against a dangerous predator in future claims.

Mr. Akwitti knew he was sending me back to the cell block which housed Esau Poree # 2081437 a person I labled as a sexual predator and prison gang member.

On Sept. 14, 2017 Mr. Poree followed me to my 5:00 a.m. Law Library appointment and in a secluded area he

(continued answer to question 1 of Document 3)

attacked me with punches to the face, head, neck, arms, and back bone. While he attacked me he told me that I should have never reported him and at that time a fellow Law Library prisoner witnessed and heard his reason.

I was hit so hard I was knocked to the ground which attracted prison guards to spray both of our faces excessively with pepper spray.

As a consequence of my physical assault I sought medical attention in which they diagnosed me with having injuries sufficient enough to prescribe me permanent sedentary work because I could not lift more than several pounds nor bend over, without excruciating pain.

My ongoing troubles besides my back problems is also that when I first reported my would be attacker I was required to do it in view of several dozen inmates which gained me as a reputation as a "snitch" here at the Hughes facility thus creating an obvious danger from prison gangs.

2. You indicate that you suffered back injuries as a result of the actions of Defendant Akwitti.

a. Describe in detail what injuries you sustained.

Constant muscle tightening and spasms.

Limited upper body movement and temporary and sporadic back paralysis.

Constant lower back pain and loss of back strength.

These were caused by powerful punches to my body in an early morning surprise attack from behind. Possibly kicked and elbowed as I lay on the floor.

b. Were you hospitalized? If so, for how long? *No.*

c. How were those injuries connected to the actions of Defendant Akwitti?

He could have prevented my physical attack and injuries due to the ample amount of proof that threats were made resulting in a breach of security and the compelling nature of the matter (death threats, sexual harassment and extortion) under the above circumstances, he should have reasonably drew the inference that a physical conflict was in a heightened stage. Instead he ignored my desperate plea for help to be transferred to another prison and sent me back into (of all places) the same building and cell block where the person whom I identified in person and in view of several dozen prisoners resulted in my reputation being exposed as a 'snitch'.

d. What treatment and/or medication have you been given, if any, for your injuries?

IBUPROFEN 600 MG MOTRIN FOR BACK PAIN

METHOCARBAMOL 750 MG

ROBAXIM FOR MUSCLE SPASMS

e. What is your medical condition now.

Constant muscle tightening, spasms and lock ups.

Limited upper body movement and temporary spinal lock ups and sporadic back paralysis.

Constant lower back pains and loss of back strength.

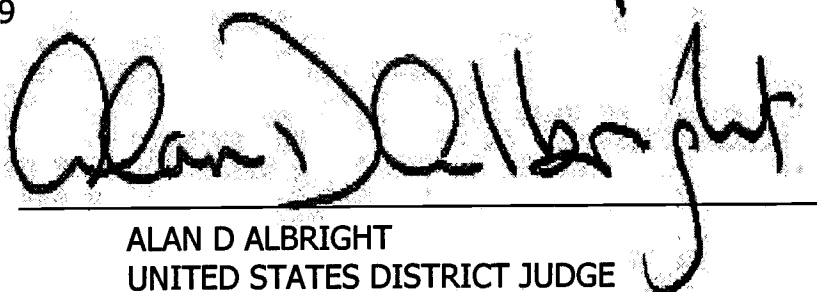
Head injuries with growing ball behind ear with constant migraines, loss of vision, and difficulty in concentration and memory loss.

3. Plaintiff is to include the following declaration at the end of his more definite statement:

I declare, under penalty of perjury under the laws of the United States of America, that the foregoing is true and correct. Title 28 U.S.C. Section 1746. Signed this 13 day of November, 2019.


Signature of Plaintiff

SIGNED on October 22, 2019


ALAN D ALBRIGHT
UNITED STATES DISTRICT JUDGE

MR. JOAQUIN ALVAREZ # 01542223

T.D.C.J. HUGHES FACILITY

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